

IN THE MATTER OF AN ARBITRATION

(Under the *Labour Relations Act, 1995*)

BETWEEN:

COCA-COLA REFRESHMENTS CANADA COMPANY
(HAMILTON)

(the "Company")

-AND-

UNIFOR, LOCAL 973

(the "Union")

AND IN THE MATTER OF the arbitration of Grievances #2719, #2882, #2978, and #2981 concerning weekly hours of work, under the collective agreement between the parties.

BEFORE: G. T. SURDYKOWSKI -- Sole Arbitrator

APPEARANCES:

For the Company: Michael Smyth, Counsel; Ryan Plenar, Student-at-Law; Chris Christidis, Distribution Centre Manager; Jason Silva, General Manager; Konrad Wojtowicz, Labour Relations Business Partner.

For the Union: Tom Dattilo, National Representative; Tom Park, President Local 973; Tom Woods, Vice President Local 973; Dan Goulet, Chairperson; Dave Leonard, Steward.

HEARING HELD IN HAMILTON, ONTARIO ON JANUARY 13, 2016 AND IN BURLINGTON, ONTARIO ON JANUARY 11, 2017.

RECEIVED

JAN 16 2017

Ministry of Labour

DRS - ARBITRATION SERVICES

Copyright © George T. Surdykowski Arbitration/Mediation Inc. 2017

[All rights reserved. Reproduction or storage in any retrieval system in whole or in part, in any form or format, by anyone other than the parties, other than for use in legal proceedings, for not-for-profit educational purposes, or as required or permitted by law, without express written consent is prohibited.]

File IDs: 869950/869951/869952/869953
Folder IDs: 10611-RR-16/10612-RR-16/10613-RR-16/10614-RR-16
Rel ID: 29554

AWARD

1. The four grievances referred to me for arbitration allege a violation of the limit on hours of work (or excess hours) provisions of the *Employment Standards Act*, which alleged violation impacts bargaining unit employee rights under the collective agreement.

2. There is no significant dispute about the material facts, and upon seeing the documentary records produced and hearing what has been said by and on behalf of the parties, I am satisfied that although the Company's efforts have resulted in a significant reduction in the number of hours in excess of the legislated limit on hours of work, the Company has violated those *Employment Standards Act* provisions.

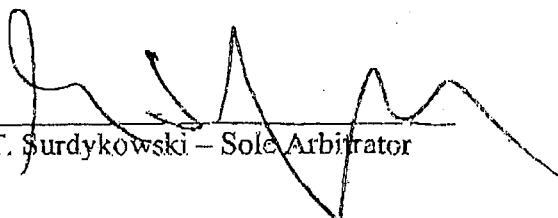
3. Therefore:

(a) **I DECLARE THAT** the Company has violated the limit on hours of work provisions in section 17(1) of the *Employment Standards Act*.

(b) **I ORDER THE COMPANY TO CEASE AND DESIST** from violating the limit on hours of work provisions in Section 17(1) of the *Employment Standards Act*.

4. I am satisfied that no other remedy is necessary or appropriate at this time.

DATED AT TORONTO THIS 13TH DAY OF JANUARY 2017.


George T. Surdykowski – Sole Arbitrator